



Paul J. Diodati
Director

Commonwealth of Massachusetts
Division of Marine Fisheries
251 Causeway Street, Suite 400
Boston, MA 02114
(617) 626.1520
Fax (617) 626.1509



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MarineFisheries Advisory

**CHANGES TO REGULATIONS GOVERNING
THE TRANSFER OF COMMERCIAL LOBSTER PERMITS**

The Division of Marine Fisheries (*MarineFisheries*) has amended regulations governing the transfer of commercial lobster permits, effective July 2, 2004. These regulations were originally created in 1993 to allow retiring fishermen who were active in the fishery (defined as fishing in 4 of the past 5 years) to leave the industry by transferring their permit with the sale of their business assets (vessel, traps, etc.). These amendments maintain the spirit of the original transfer program with two substantive changes.

First, the rules governing who may receive a permit were relaxed. Now any experienced commercial fisherman may receive a transferred permit. Formerly only immediate family members, documented employees, or "waiting list" members were eligible. Second, the term "actively fished permit" has been clearly defined. To be considered "actively fished" in a given year, a permit holder must have landed and sold at least 1,000 lbs. of lobster, or landed and sold lobster on at least 20 occasions.

Other changes to the rules include:

- waiving of the "actively fished" requirement for permit holders who transfer their permit to an immediate family member;
- limit of two years for recipients of posthumous transfers to obtain letters of authorization to allow someone to fish the permit. Such letters would be issued to operate the vessel listed on the permit prior to the former permit holder's death; and
- for 2006 and beyond, permit holders who were "grandfathered" since 1993 will no longer be exempt from the "owner/operator" requirement.

In order to provide a more comprehensive understanding of the new rules some anticipated and frequently asked questions are answered below.

Frequently Asked Questions

- 1. What will I need to document that I have landed at least 1,000 lbs. of lobster in a year or landed and sold lobster on at least 20 occasions in a year?** Authentic dealer receipts that corroborate your signed annual catch reports will be the primary data source.
- 2. If I have held the permit for less than four years but wish to leave the fishery, can I transfer my permit?** Yes. Recognizing that individuals may opt to leave the industry prior to fishing the permit for four years, *MarineFisheries* will review the permits' history under previous permit holders, up to five years prior from the date of requested transfer.

3. **If I received a permit from an immediate family member within the last four years and now wish to transfer the permit but have not actively fished the permit in the last four years, what can I do?** You may transfer the permit to another immediate family member under an exemption of the actively fished criteria. If you wish to transfer to a non-family member, the permit must meet the “actively fished” requirement as defined above.
4. **If I am a widow and my husband’s permit was not fished for three or more years prior to his death, can I still transfer it?** No.
5. **How do I transfer my commercial lobster permit if I am a widow but my husband did not fish actively enough in the last four out of five years to meet all the requirements?**
MarineFisheries will allow widows to request letters of authorizations for another individual to fish their permit and vessel for up to two years.
6. **I am on the waiting list. Has the list been eliminated completely?** No. *MarineFisheries* has retained the current waiting list for commercial lobster permits although no new names are currently being added to the list and individuals on the waiting list receive no special consideration regarding permit transfers over those not on the list.
7. **If I have an Outer Cape permit that has not been actively fished can I still transfer?** Yes. Given the constraints already placed on allocations of traps to individual permit holders, the requirement that the permit be fished for 4 of 5 years does not apply to Outer Cape Cod permits.
8. **If I receive an Outer Cape permit transfer and my allocation is less than 800, can I fish my remaining traps in an alternate area?** No. Coastal permits are issued for a single LMA in state waters (1, 2, or Outer Cape Cod).
9. **If I receive a transfer, can I change the LMA?** No. In 2004, permit holders were required to pick a single LMA. These will remain in effect through 2008, and possibly beyond. An exception is the transfer of a permit into an area under management of an effort control plan (i.e./ Outer Cape).
10. **If I receive an Outer Cape permit with a trap allocation and choose not to fish in the OC, can I transfer my OC tags and move to LMA 1?** No.

For more information visit the *MarineFisheries* web site at: www.mass.gov/marinefisheries.

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